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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,)	No. CR 06-267 SI
17 Plaintiff,)	[PROPOSED] ORDER AND STIPULATION
18 v.)	(1) EXCLUDING TIME FROM MAY 5,
19 JOE MILAM CATHEY,)	2006 TO JUNE 9, 2006 FROM THE
20 Defendant.)	SPEEDY TRIAL ACT CALCULATION
		(18 U.S.C. § 3161(h)(8)(A)); (2) VACATING
		MAY 26, 2006 HEARING DATE; AND (3)
		SCHEDULING JUNE 9, 2006 HEARING
		DATE

21 The parties appeared before the Honorable Elizabeth D. Laporte on May 5, 2006, May 9,
 22 2006, May 18, 2006 and May 19, 2006. On May 5, 2006, the government moved for detention;
 23 on May 9, 2006, May 18, 2006 and May 19, 2006, further proceedings relating to the
 24 government's motion were heard. On May 19, 2006, the Honorable Elizabeth D. Laporte
 25 ordered the defendant released on agreed-upon conditions, and scheduled a hearing date of May
 26, 2006 before the Honorable Susan Illston.

27 Counsel for both the defendant and the government are not available on May 26, 2006.
 28 Counsel for the government is expected to be in trial for at least two days during the week of
 29 May 22, 2006, and has not yet been able to provide discovery to the defendant's counsel. Both

1 counsel will be available for the first appearance before the District Court on June 9, 2006.

2 Accordingly, the parties hereby agree, and the Court finds and holds as follows:

3 1. During the time proceedings relating to the government's motion for detention were
4 pending, *i.e.*, from May 5, 2006 to May 19, 2006, time was excluded from the Speedy Trial clock
5 pursuant to 18 U.S.C. § 3161(h)(1)(F).

6 2. The parties agree to an exclusion of time under the Speedy Trial Act from May 19, 2006
7 to June 9, 2006, in light of both counsel's unavailability on May 26, 2006, the need for the
8 government to produce discovery, and the need for the defendant's counsel to review such
9 discovery. Failure to grant the requested continuance would unreasonably deny defense counsel
10 reasonable time necessary for effective preparation, taking into account the exercise of due
11 diligence and the need for new counsel to review the discovery and meet with the defendant, and
12 would deny both the defendant and the government continuity of counsel.

13 3. Given these circumstances, the Court found that the ends of justice served by excluding
14 the period from May 19, 2006 to June 9, 2006, outweigh the best interest of the public and the
15 defendant in a speedy trial. *Id.* § 3161(h)(8)(A).

16 4. Accordingly, and with the consent of the defendant, the Court ordered that the period from
17 May 19, 2006 to June 9, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. §
18 3161(h)(8)(A) & (B)(iv).

19 5. The Court vacates the hearing currently set for May 26, 2006 at 11:00 a.m., and schedules
20 a new hearing on June 9, 2006.

21 IT IS SO STIPULATED.

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23 DATED: _____

/S/
TRACIE L. BROWN
Assistant United States Attorney

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26 DATED: _____

/S/
ELIZABETH FALK (for STEVEN
KALAR)
Attorney for Joe Milam Cathey

1 IT IS SO ORDERED.
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3 DATED: _____
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Susan Illston

THE HON. SUSAN ILLSTON
United States District Judge